

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**NINTH LEGISLATIVE DAY
TUESDAY, JANUARY 17, 2012**

Senate Chamber

President Little called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators LeFavour and McKague, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Rebekah Grad, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 16, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

January 16, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Susan M. Kiebert of Hope, Idaho, was appointed as a member of the Idaho Judicial Council to serve a term commencing October 4, 2011, and expiring July 1, 2017.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the Judiciary and Rules Committee.

Senator LeFavour was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

S 1219

**BY JUDICIARY AND RULES COMMITTEE
AN ACT**

RELATING TO THE JUVENILE CORRECTIONS ACT; AMENDING SECTION 20-501, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-502, IDAHO CODE, TO REVISE DEFINITIONS AND TO REMOVE A DEFINITION; AMENDING SECTION 20-503, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 20-504, IDAHO CODE, TO PROVIDE THE DEPARTMENT OF JUVENILE CORRECTIONS WITH ADDITIONAL DUTIES, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS AND TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 20-504A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO STATE JUVENILE CORRECTIONAL CENTERS, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS AND TO REMOVE A DEFINITION; AMENDING SECTION 20-505, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE APPLICATION OF THE JUVENILE CORRECTIONS ACT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-507, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-508, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-509, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-511, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-511A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-515, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-516, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO REMOVE LANGUAGE RELATING TO A STATEWIDE JUVENILE OFFENDER INFORMATION SYSTEM; AMENDING SECTION 20-517, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS, TO PROVIDE CORRECT TERMINOLOGY, TO REVISE PROVISIONS RELATING TO DETENTION ACCOMMODATIONS FOR JUVENILE OFFENDERS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-518, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO REQUIRE THAT JUVENILE DETENTION CENTERS MEET CERTAIN STANDARDS; AMENDING SECTION 20-520, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER, TO REVISE PROVISIONS RELATING TO SENTENCING A JUVENILE OFFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-521, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION

20-522, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-524, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO REMOVE PROVISIONS RELATING TO CHILD SUPPORT ORDERS AND DECREES; AMENDING SECTION 20-524A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 20-525, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-525A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-526, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 20-528, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-530, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-531, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-532, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-532A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-533, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 20-533A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-535, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-539A, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AMENDING SECTION 20-542, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO JUVENILE OFFENDERS; AMENDING SECTION 20-547, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 20-548, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER; AND AMENDING SECTION 20-549, IDAHO CODE, TO CLARIFY THAT CERTAIN PROVISIONS APPLY TO A JUVENILE OFFENDER AND TO REVISE PROVISIONS RELATING TO CURFEW VIOLATIONS.

S 1220

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HARASSMENT, INTIMIDATION OR BULLYING OF A STUDENT; AMENDING SECTION 18-917A, IDAHO CODE, TO PROVIDE APPLICATION OF THE SECTION TO AN ADDITIONAL INDIVIDUAL, TO REVISE WHAT ACTION SHALL BE AN INFRACTION AND TO REPLACE DISCRETIONARY LANGUAGE WITH MANDATORY LANGUAGE; AND AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1628, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR HARASSMENT, INTIMIDATION AND BULLYING INFORMATION AND PROFESSIONAL

DEVELOPMENT, TO PROVIDE WHAT SHALL BE INCLUDED IN DISTRICT POLICIES AND TO PROVIDE FOR CERTAIN ANNUAL REPORTS.

S 1221

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO HOMICIDE; AMENDING SECTION 18-4003, IDAHO CODE, TO PROVIDE ADDITIONAL PROVISIONS RELATING TO MURDER OF THE FIRST DEGREE.

S 1222

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO JUDGES; AMENDING SECTION 5-306, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 7-602, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 18-4309, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 18-4907, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-224, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 19-227, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-503, IDAHO CODE, TO PROVIDE THAT THE JUDGES OF THE COURT OF APPEALS ARE MAGISTRATES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 19-512, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 19-3006, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; REPEALING SECTION 19-3009, IDAHO CODE, RELATING TO THE COMPULSORY ATTENDANCE OF WITNESSES; AMENDING SECTION 19-3602, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-3903, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-3904, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-4304, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 19-4407, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE, TO PROVIDE CORRECT TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 32-401, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 32-402, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE; AMENDING SECTION 35-106, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 38-804, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 38-805, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 39-258, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 48-406, IDAHO CODE, TO REMOVE OBSOLETE

LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 55-702, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 55-717, IDAHO CODE, RELATING TO A CERTIFICATE OF JUSTICE AND AUTHENTICATION; AMENDING SECTION 55-1101, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY; AND AMENDING SECTION 55-1103, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO PROVIDE CORRECT TERMINOLOGY.

S 1223

BY EDUCATION COMMITTEE

AN ACT

RELATING TO SCHOOL PROPERTY; AMENDING SECTION 33-601, IDAHO CODE, TO AUTHORIZE THE USE OF VACANT LAND OF A SCHOOL DISTRICT FOR CERTAIN PURPOSES.

S 1224

BY EDUCATION COMMITTEE

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-514, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN EVALUATIONS; DECLARING AN EMERGENCY; AND PROVIDING A CONTINGENT SUNSET DATE.

[S 1219](#), [S 1220](#), [S 1221](#), [S 1222](#), [S 1223](#), and [S 1224](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 11:45 a.m. until the hour of 11:30 a.m., Wednesday, January 18, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary